

REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

Based on the comments on page 15 of the office action, claims 1, 10 and 11 have been amended to require that the communication apparatus be provided as "an integrated unit" and claim 15 has been amended to incorporate the subject matter of claim 17. Claim 17 has been canceled without prejudice or disclaimer. Because these amendments are based on comments in the office action or incorporate features from dependent claims into independent claims, Applicants submit that no new issues are raised. Consequently, entry of the amendments is believed to be appropriate and is respectfully requested.

Claims 1-23 were rejected under 35 U.S.C. Section 112, first paragraph, because the specification allegedly does not disclose an output device outputting the information received from the information server. Applicants traverse this contention and note that the description at page 23, lines 19-22 of the subject patent application discloses that communication apparatus 1 "views" a home page stored in the information server through the internet and that the address of the "displayed" home page is an example of connection information. One of ordinary skill in the art would readily recognize that this disclosure describes a display for the communication apparatus and would also be enabled to provide such a display for the disclosed communication apparatus. Consequently, Applicants respectfully request withdrawal of the Section 112, first paragraph, rejection of claims 1-23.

Claims 1-3, 5-8, 10, 11, 14, 15, 18 and 20-23 were rejected under 35 U.S.C. Section 102(b) as allegedly being "anticipated" by Shaffer (EP 0 848 560). Applicants respectfully traverse this rejection as least as it relates to the amended claims.

As noted above, claims 1, 10 and 11 have each been amended to require that the communication apparatus be provided as an integrated unit. Support for this feature can be found by way of example without limitation in Figure 1 and the accompanying description.

Claim 1 calls for a communication system that includes an information server and *a communication apparatus that is provided as an integrated unit* and includes communication circuitry capable of performing communication with the information server in first and second communication modes *to receive information sent from the information server in response to an*

information acquisition request generated by the communication apparatus and communicated to the information server via the communication circuitry. The communication apparatus further includes *an output device for outputting the information received from the information server.* A non-limiting example embodiment of this communication system is shown in Figure 1 in which a communication apparatus 1 communicates with an information server 2. The communication apparatus may, for example, be a mobile terminal. Claim 1 further calls for the communication apparatus to include a connection information storage section and a communication mode switching section for controlling the switching of communication mode with the information server from a first communication mode to a second communication mode.

Shaffer discloses that communication mode switching is performed by equipment disposed between remote sites that are performing communication. As is plainly evident from Figure 2, the manager device of Shaffer is disposed in the communication path between the remote sites 46, 48 and 50. This manager device controls interfaces 44 to connect these remote sites in various communication modes based on quality of service information and on tariff information. Specifically, "[t]he mode select/controller is connected to all of the interface devices 44 and enables the devices on a session-by-session basis to connect various multimedia sites 46, 48 and 50 over the selected communication mode." Shaffer, col. 8, lines 18-22.

There is no disclosure or suggestion in Shaffer, for example, of a communication apparatus which performs communication with an information server and which is provided as an integrated unit and includes a connection information storage section, a communication mode switching control section and an output device as claimed. Consequently, Shaffer cannot anticipate claim 1.

Independent claims 10 and 11 each call for a communication apparatus which is provided as an integrated unit and includes a communication mode switching control section, wherein, among other things, the communication apparatus generates an information acquisition request and communicates the request to an information server and includes an output device for outputting information received from the information server. Shaffer is likewise deficient with respect to these claims for reasons similar to those advanced above with respect to claim 1.

The dependent claims 2, 3, 5-8, 14, 18 and 20-23 are believed to be allowable because of their respective dependencies and because of the additional patentable features recited therein.

By way of example without limitation, the office action references column 8, lines 3-22 and 37-45 of Shaffer in connection with claim 2, which requires that the communication apparatus include a switching condition storage section for storing a determination reference value, and that the communication mode switching control section compares an amount of information to be acquired from the information server and the determination reference value, and determines whether or not to execute switching of communication mode based on a result of the comparison.

The first referenced portion of column 8 is about determining “whether a higher quality of service is available for individual sessions without exceeding the determined acceptable session tariff” and mentions “switch[ing] the session to the mode that offers the higher quality.” The cost of switching connectivity is also described as being factored into the determination of whether the mode switch is desirable. There is nothing in this description relating to an amount of information to be acquired from an information server or of determining whether to switch communication modes based on a comparison of this amount with some reference value.

The second referenced portion of column 8 is about comparing quality of service requirements of a session to pre-established quality of service guarantees. Shaffer does not associate quality of service with an amount of information to be acquired and thus, here again, there is nothing in this description relating to an amount of information to be acquired from an information server or of determining whether to switch communication modes based on a comparison of this amount with some reference value.

Because of these deficiencies, Shaffer cannot anticipate claim 2.

Claim 15 has been amended to incorporate the subject matter of now-canceled claim 17 and requires that the communication section, the storage section, the output device and the communication mode switching control section of the communication apparatus be embodied in a portable terminal.

The office action maintains that Shaffer discloses the communication apparatus of claim 15 and that it would have been obvious to implement this apparatus as a portable terminal as specified in claim 17 (whose features are now incorporated into claim 15). Applicants traverse this contention.

As acknowledged in the office action, Shaffer discloses that communication mode switching is performed by equipment disposed between remote sites that are performing

communication. As is plainly evident from Figure 2, the manager device of Shaffer is disposed in the communication path between the remote sites 46, 48 and 50. Thus, providing the Shaffer Figure 2 mode switching equipment as a “portable computer” would not result in the claimed portable terminal because this equipment would not, for example, generate an information acquisition request or include an output device for outputting the information received as a result of this request. Moreover, providing the unshown equipment at the remote sites as a “portable computer” would not result in the claimed portable terminal because this equipment would not, for example, include the communication mode switching control section.

The office action suggests that the Shaffer equipment “as a whole, wherever it is disposed” constitutes a communication apparatus as claimed. However, even though Applicant’s respectfully disagree, regardless of the merits of this contention, there is nothing in Shaffer or elsewhere that is suggestive of incorporating the Shaffer Figure 2 mode switching equipment into equipment at the remote sites and embodying the resulting device as a portable terminal. Consequently, Applicants respectfully submit that Shaffer would not have made obvious claim 15.

Kunz (U.S. Patent No. 6,223,221), Davis (U.S. Patent No. 5,583,922), and McLain (U.S. Patent No. 6,493,758) are applied in connection with certain dependent claims. Among other things, these references do not remedy the deficiencies of Shaffer with respect to claims 1 and 15 and thus even were these documents somehow and for some reason combined with Shaffer, the claimed subject matter would not result.

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The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

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By:

A handwritten signature in cursive script, appearing to read "Michael J. Shea", is written over a horizontal line.

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